vice to states involved in a controversy based upon a thorough inquiry by another state, or by other states, conducted in judicial fashion.

Throughout the essays runs the same thought that, in the long run, co-operation without the compulsive feature will produce a nearer approximation to a solution of the international problem than the closer union of a league. Thus with singularly apt description of the choice which seems to confront the world the author says in an essay reprinted from *The World Court Magazine*, of April, 1918:

"After the present great war is ended, a time is certain to arrive for considering the problem of international reorganization and reconstruction. The question will be, whether to maintain and perfect the existing co-operative union of the nations, or to change it into a universal federal state or into a universal confederation or league of nations. The first of these courses seems most expedient. This would necessitate a gradual development of the existing co-operative union by a long series of international conferences, each endeavoring to remove obstacles to international co-operation and to provide more and more effective organs and processes for directing the nations towards the observance of the co-operative principle. Through such a continuous development, co-operative union of the nations might be found adequate to produce the nearest approximation to international justice, order and peace of which the human race is capable."

In dealing with the power of the courts to invalidate unconstitutional legislation, the contention is advanced that the due process clause has been pressed far beyond its intended scope and should be restricted to "a taking away on account of wrong-doing," a contention novel more by way of positive suggestion than by way of negative criticism. There is, of course, full recognition that this point of view is of academic interest only, in view of the decisions; and the tendency of these decisions away from the safeguarding of contractual and property rights to a greater concern for the social interests of the individual and the community is helpfully discussed.

In addition to the essays which deal primarily with the author's analysis of his theory of the "American Philosophy of Government" and with the conclusions he derives thereform in relation to the problems of dependencies and international relations, the book includes essays on Shantung, the German Colonies and the Mandatory System, as well as essays on the Law of Nations, the Proposed Codification of International Law, and the Alien in the Community.

Henry Wolf Biklé.

Law School,
University of Pennsylvania.

THE LAW OF THE SEA. A Manual of the Principles of Admiralty Law for Students, Mariners and Ship Operators. By George L. Canfield and George W. Dalzell. With a Summary of the Navigation Laws of the United States by Jasper Yeates Brinton. D. Appleton & Co., New York City, 1921, pp. xvi, 315.

Appleton's new publication in its "Shipping Series," the *Law of the Sea* has been in the hands of the public for a sufficient length of time to justify an appraisement of its value as the manual it professes to be.

The editors of the series, Emory R. Johnson, whose labors in transportation and shipping questions have taken such wide scope, and Ray S. MacElwee, whose great success in dealing with the adjuncts of transportation and shipping, are to be congratulated in receiving from the hands of Messrs. Canfield and Dalzell such a worthy addition to the series.

The book attempts to treat briefly all phases of the law as applied to a ship, from its keel laying to its final end, including the responsibilities of the contractor and future owner in the building of a ship until its launching, and all of the legal incidents, resulting from the operation of the ship, either by corporate owners, or owners of shares, and their various relations with master, crew, cargo, freight, charterers and underwriters.

The legal results of employment of a ship, arising not only out of contract, but out of tort, and those situations and legal consequences which flow from the ancient doctrine involved in General Average and Salvage are covered in more or less detail.

The prototype of the book is to be found in its English forerunner, *Maritime Law,* published in England by Mr. Albert Saunders, whose treatment of the same subject is perhaps more adapted to the needs of the student or layman than the method employed by the authors of *The Law of the Sea.*

Mr. Saunders employs a narrative form and tells the story of a ship from a contract with the builder until it becomes a wreck. The narrative takes the ship from the initial contract of the builder and follows its launching, through the formalities of mortgage and registration, to the point where it is loaded and has begun its adventure, meets with a collision, or encounters other perils of the sea, where all the possible contingencies, in their legal aspects, are discussed, either from the standpoint of owner, charterer, shipper, consignee, master or crew, or third person. Nine voyages are related in narrative form, affording an opportunity for the discussion of voyage charters, time charters, bottomry bonds, general average, maritime liens, and all of the varied and difficult situations, with which a ship and its master and owners have to deal in the course of maritime business. Following this narrative, the reader not only has the benefit of a clear appreciation of the methods by which complicated questions arise, but is able to follow the solution of the questions through the different rules and remedies afforded by the maritime law.

It would seem that this method is perhaps a better one for the layman and student without other guide than the arrangement chosen by the authors of *The Law of the Sea*—an arrangement that relegates the question of remedies to the last chapter in the book, where they are treated *en masse,* without reference to the other portions of the book. The book is somewhat of a step forward, however, in American publications touching the subject, and it is to be hoped that it will be followed by a more exhaustive treatise, invoking the method used by Mr. Saunders with such notable success.

America has too few authorative books on shipping and its allied subjects. The student, or the active practitioner, finds it necessary to rely for exhaustive treatment upon the English standard authorities: Lowndes on

General Average; Marsden on Collisions at Sea; Carver on Carriage of Goods by Sea; Maclachlan's Merchant Shipping—to name only a few of the standard English works—all of which should be replaced in America by books of equal standing, devoted to a discussion of the law in America, which differs in so many essentials from that of England, and is now only to be found in the Supreme Court and Federal reports, or in the early State reports, where, before the founding of the present judicial system, so many important commercial questions found their solution.

It is not desired to be over-critical, but when a book is designed for students "without guidance" and put forth "with the expectation that (it) will be used as a class text book," inaccuracies should be noted.

The first chapter states that there are several district courts in each state—whereas in twenty-two states of the Union there is only one district. and hence only one district court.

The definition given of a contract, as being maritime "when it relates to the ship as an instrument of commerce and navigation" might well mislead the student "without guidance." A more accurate definition would be that a maritime contract is one touching rights and duties appertaining to commerce and navigation.

"Damaged cargo" is given as an example of a tort, whereas in fact, in most actions, recovery founded on damage to cargo is based on contract. "Limitation of Liability" is treated as a doctrine which developed out of the necessities of the case, and no thought is given to the fact that considerations of public policy led to the enactment of statutory exemptions, differing in different countries, but all forming the basis of the limitations of liability enforced in the Admiralty Courts of various jurisdictions with varying incidents and results.

In treating of General Average, the authors express surprise at the failure of other courts of law to adopt the principles, and this in view of the fact that there is a strong tendency at present to dispose of the doctrine of General Average as being extremely cumbersome, and expensive and dilatory in practice.

Some inconsistencies appear, even in the first chapter. For instance, in the discussion of maritime law generally, in one paragraph the law is stated as being "less susceptible of statutory modification than the common law," and the effect of careless legislation with its necessary local effect, and its tendency to divert business into other channels is decried, and yet in the following paragraphs it is stated that our maritime laws must be restated and reformed.

Although the Index is a good one, unrelated matter is often found under the wrong paragraph heading; for instance, a paragraph dealing with "Enrollment" or "Registration" treats of the law regarding the citizenship of pilots and officers.

On the whole, the book supplies a need and will be found most useful to those who desire to secure a comprehensive grasp of the subject of which it treats. The book may not rank as high authority but it is to be hoped that it will be the precursor of others which will.

A word should be said for the appendix, containing as it does an admirable "Summary of the Navigation Laws of the United States." It is the only summary of the kind so far published, and one which should be of great aid to those who have to deal with a subject which is in so much confusion, owing to the form of its growth through the many revisions and re-enactments of Congress.

William J. Conlen.

Philadelphia, Pa.

THE LEAGUE OF NATIONS AND THE NEW INTERNATIONAL LAW. By John Eugene Harley, Assistant Professor of Political Science in the University of Southern California. With an Introduction by Theodore Marburg. Oxford University Press, New York City, 1921, pp. ix, 127.

In this little book Professor Harley has attempted to set out, as he expresses it, the effect of the League of Nations on International Law. It would be more accurate to say the effect of the operation of the League of Nations on International Law. The League itself can have no effect at all; it must function as an organization before it can make any impression. This may sound hypercritical, but it is just the criticism which may be leveled at current international legal writings. They are wanting in accuracy and logical precision. The learned professor has therefore been led into the obvious error of over-estimating the potency and effectiveness of the League and ignoring the practical question of whether it does or will survive as an effective agency in international life.

The conclusions of the book are well summarized in Chapter XI, somewhat as follows: The defects in International Law prior to the adoption of the League of Nations were: (1) Lack of agreement as to correct conception of International Law; (2) Inadequate methods of developing International Law; (3) Unwillingness of the nations of the world to join together in giving effect to the law and providing sanctions to uphold it; (4) Inadequate machinery for administering international law and settling disputes between nations; (5) Doubt whether the theory of international law formulated in the seventeenth century was adequate for the world of 1920. The learned author concludes that the Covenant of the League of Nations cured these defects, upon which we may observe: (1) It is impossible to see how the Covenant can or will reconcile the fundamental theories of International Law which are matters of individual opinion and can only be resolved by argument, analysis and reasoning, if they can ever be resolved at all. To give the Covenant such an effect would outdo German control of thought in its palmiest days. (2) The statement that the Covenant removes the remaining defects is simply saying that because the Covenant has been entered into therefore the League does and will have sufficient power to control international conduct, an assumption entirely unwarranted by any facts existing in the world today.

It is difficult to understand what the professor means by the "new" internatioinal law. International law as a system, science and inquiry into